

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

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Ruth Ann Minner
Governor

John A. Hughes
Secretary

Inside

CALENDAR 2

WEST NILE
SURVEILLANCE 5

SEC. HUGHES
HONORED 7

RECYCLING GRANTS 7

OPEN HOUSE 8

PARK FEES 8

GENERATOR
EMISSIONS 9

ROHM AND HAAS
PERMITS 10

MERCURY
EMISSIONS 11

PREMCOR 13

REGULATORY
UPDATE 17

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Gov. Minner Announces Conservation Awards

*State, National Conservation District partners celebrate
50 years of stewardship*

Governor Ruth Ann Minner proclaimed April 24 to May 1 as Soil and Water Stewardship Week and announced the winners of the annual Agricultural and Urban Governor's Conservation Awards during a ceremony last week at the Delaware Agricultural Museum in Dover. This year's theme for Stewardship Week is "Celebrate Conservation."

The Conservation Award winners from the state's three counties are:

New Castle County, Agricultural, John R. Ellingsworth,
Forest View Nursery, Clayton.

continued on page 4

Nesting Plovers Protected at Cape Henlopen State Park



Dennis Murphy

Endangered beachnester: DNREC's Dennis Murphy captured this photo of a piping plover April 6 at Fowler's Beach.

continued on page 5

Calendar

For information or registration for park events, please contact individual park offices. A listing follows the calendar.

APRIL

30 – White Clay Creek State Park program, Saturday Morning Nuggets, 10:30-11:30 a.m., Nature Center. Cost: \$3. Recommended age, 4-6 years old. Pre-paid registration will guarantee a spot. Call (302) 368-6900.

30 – Open House, Delaware National Estuarine Research Reserve, 10 a.m., 801 Blackbird Landing Road. Contact Mark Del Vecchio, (302) 739-3436.

MAY

1 – White Clay Creek State Park program, Migratory Bird Walk, 7:30 a.m., Nature Center. Contact (302) 368-6900.

2 – White Clay Creek State Park program, Craft Sampler Monday at the Judge Morris Estate, 6:30 p.m., Judge Morris Estate. Cost: \$25, includes instruction and all materials, payable in advance. Contact (302) 368-6900.

3 – Public workshop to review draft of regulation to control stationary generator emissions, 6-9 p.m., Delaware Technical and Community College, Stanton Campus, Stanton. Contact Mark Prettyman, (302) 739-4791.

4 – Public workshop to review draft of regulation to control stationary generator emissions, 6-9 p.m., Delaware Technical Community College, Owens Campus, Georgetown. Contact Mark Prettyman, (302) 739-4791.

5 – Public workshop to review draft of regulation to control stationary generator emissions, 6-9 p.m., Priscilla Building, 156 S. State St., Dover. Contact Mark Prettyman, (302) 739-4791.

5 – Public hearing, Rohm and Haas Electronic Materials, CMP application for air permits related for modifications to operations at its 451 Bellevue Road, Newark facility, 6 p.m., Room 119, UD Clayton Hall, Newark. Contact Stephen Ours, (302) 739-4506.

6 – First Saturday in the First State, Musical Performances, 4-8 p.m., First State Heritage Park. Contact (302) 739-1173.

6 – White Clay Creek State Park program, Fun Frog Craft, 6:30 p.m., Discovery Room of the Nature Center. Cost: \$1 per child. Contact (302) 368-6900.

6 – White Clay Creek State Park program, Frog Family Days, 6:30 p.m., Discovery Room of the Nature Center. Cost: \$1 per child. Contact (302) 368-6900.

7 – First Saturday in the First State programs, 9 a.m. – 5 p.m., First State Heritage Park. Contact (302) 739-1173.

7 – White Clay Creek State Park program, Mother's Day Tea at the Judge Morris Estate, 1-3 p.m., Judge Morris Estate. Cost: \$25 per person, includes lunch, parking and tour. Contact (302) 368-6900.

7 – White Clay Creek State Park program, Rocks and Minerals, 10 a.m., Nature Center. Cost: \$3 per child. Contact (302) 368-6900.

8 – White Clay Creek State Park program, Mother's Day Tea at the Judge Morris Estate, 1-3 p.m., Judge Morris Estate. Cost: \$25 per person, includes lunch, parking and tour. Contact (302) 368-6900.

9 – White Clay Creek State Park program, *Monday Morning Nature Nuggets*, 10:30 a.m., Nature Center. Recommended for ages 3-5, size is limited so pre-paid registration guarantees spot. Cost: \$3 per child. Contact (302) 368-6900.

14 – White Clay Creek State Park program, *Weed-Out! Volunteer Day*, 9 a.m. – noon. Contact (302) 368-6900.

14 – White Clay Creek State Park program, *Bryan Farm Excavation Site*, 9 a.m. – 3 p.m., Bryan Farm. Contact (302) 368-6900 to register.

15 – White Clay Creek State Park program, *Bryan Farm Excavation Site*, 9 a.m. – 3 p.m., Bryan Farm. Contact (302) 368-6900 to register.

15 – White Clay Creek State Park program, *Worms! “Live and Wild Program”*, 2 p.m. Recommended for adults and children 3 and older. Cost: \$2 per person. Contact (302) 368-6900.

17 – Public hearing, American Eel Public Information Document - Atlantic States Marine Fisheries Commission hearing facilitated by DNREC Division of Fish and Wildlife, 7 p.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Roy Miller, (302) 739-3441.

17 – White Clay Creek State Park program, *Wildflower Walk*, 6:30 p.m. Contact Nature Center (302) 368-6560 for meeting location.

20 – White Clay Creek State Park program, *Full Moon Stroll*, 8 p.m. Cost: \$2 per person. Contact (302) 368-6900 for meeting location and to register.

21 – White Clay Creek State Park program, *Civil War Encampment*, 9 a.m. – noon, Carpenter Recreation Area. Contact (302) 368-6900.

21 – Inland Bays Cleanup, 9 a.m. – 3 p.m., Massey’s Landing. Contact Captain James Passwaters, (302) 856-5644.

28 – White Clay Creek State Park program, *Saturday Morning Nuggets*, 10:30 a.m. – 11:30 a.m., Nature Center. Contact (302) 368-6900 to register.

28 – White Clay Creek State Park program, *Stream Watch*, 1-3 p.m. Contact (302) 368-6900 to register.

29 – White Clay Creek State Park program, *Trail Explorers*, 3 p.m., Bryan’s Field Trail. Contact (302) 368-6900 to register.

Park Offices:

Brandywine Creek State Park, (302) 577-3534; Nature Center, (302) 655-5740

White Clay Creek State Park, (302) 368-6900; Nature Center, (302) 368-6560

Bellevue State Park, (302) 577-3390; Arts Center, (302) 577-6540

Trap Pond State Park, (302) 875-5153; Nature Center, (302) 875-5163

Lums Pond State Park, (302) 368-6989; Nature Center, (302) 836-1724

Fort Delaware State Park, (302) 834-7941

Killens Pond State Park, (302) 284-4526

Cape Henlopen State Park, (302) 645-8983; Nature Center, (302) 645-6852

continued on page 4

Conservation Awards continued from page 1

New Castle County, Urban, Paul Morrill, Town Manager, Delaware City
Kent County, Agricultural, G&S Dairy, Greg and Stephanie Knutsen, Harrington
Kent County, Urban, Meadow Ridge Homeowners' Association, Dover
Sussex County, Agricultural, Loyal "Jake" Bender, Greenwood, Del
Sussex County, Urban, Rehoboth Golf Driving Range, Steve Smith

Gov. Minner noted that the basic stewardship theme has not changed in a half-century. "We continue to place a high value on conserving our natural resources in Delaware. We have a responsibility to be good stewards of the earth, and each year as we lose additional acres of prime cropland, stewardship becomes a more meaningful challenge," said Minner.

Soil and Water Stewardship Week is one of the largest national annual programs to promote conservation. For 50 years, a national network of conservation districts has helped Americans learn to conserve natural resources on a local level. Delaware is a member of the National Association of Conservation Districts which oversees the national program.

"Conservation of natural resources has helped create an amazing way of life for Americans," said Ron Breeding, president of the Delaware Association of Conservation Districts. "That is why we want to promote conservation during Soil and Water Stewardship Week."

Every person can help "celebrate conservation" by conserving our natural resources every day. Learning about local air, water, soil, plant, and wildlife resources is a good start. Conserving energy and water, recycling, and being careful not to litter or dump household chemicals are just several of many daily actions everyone can take to become good stewards. The official Soil and Water Stewardship Week website, www.stewardshipweek.com, provides many more basic conservation tips.

"We still face many challenges today," said Breeding. "But the lessons of the past show us that people working together can solve almost any problem. Soil and Water Stewardship Week helps remind us that we can all help with conservation."

The Delaware Association of Conservation Districts, a voluntary, non-profit alliance, provides a forum for discussion and coordination among the districts as they work to ensure the wise use and treatment of renewable natural resources. Delaware has a wealth of natural resources that provide priceless benefits to every Delawarean. Continuing to conserve these resources and improve the state's environment is the steadfast goal of Delaware's conservation districts. The Association and their conservation partners believe that a quality environment in Delaware is achievable with the full commitment of Delaware's citizens.

To learn more about how you can help, contact the conservation district in your county during business hours: New Castle Conservation District, 2430 Old County Road, Newark, DE 19702, (302) 832-3100; Kent Conservation District, 800 Bay Road, Suite 2, Dover, DE 19901, (302) 741-2600; Sussex Conservation District, 408 N. DuPont Highway, Georgetown, DE 19947, (302) 856-3990.

For further information, contact Martha Pileggi, Division of Soil and Water Conservation, (302) 739-4411.

Plovers continued from page 1

Two pairs of piping plovers, Delaware's endangered beachnesters, are setting up housekeeping at Cape Henlopen State Park's Gordon's Pond beach.

According to Division of Fish and Wildlife biologist Marnie Pepper, two nests with two eggs each were spotted between the dunes at Gordon's Pond on Sunday, April 24 by Joe Patson, the seasonal piping plover monitor.

A quarter-mile stretch of ocean beach will be closed off to protect the well-camouflaged nests from being inadvertently stepped on or driven over. When all the eggs have been laid – usually four per clutch – a predator enclosure will be erected around the nests to protect the eggs from foxes, raccoons, crows, grackles and feral cats.

The beach will be reopened as soon as the eggs hatch and the young birds can fly. That is usually in late July or August, however, the exact date will depend on when other plovers begin nesting in the area. Typically, the eggs hatch in about 30 days and the chicks fledge about 35 days after hatching.

"It is critically important for people and their dogs to respect the restricted areas," Pepper said. "Disrupting the birds while they are feeding or nesting can create problems that may have a serious impact on the survival of the adults and their ability to successfully raise young, ultimately hindering our efforts to keep them from completely disappearing from Delaware's coastline."

Several plovers have been spotted displaying mating behavior around Cape Henlopen's Point, a historical nesting area that has been closed off since March 1 for the piping plovers and other beachnesters.

Piping plovers return to Delaware in March or early April and build their nests in the sand above the reach of high tides. Last year, 12 active nests produced eight fledglings.

For more information, call Marnie Pepper, Division of Fish and Wildlife, (302) 653-2880, or Pat Cooper, Cape Henlopen State Park, (302) 645-8983.

Public Asked to Report Sick or Dead Wild Birds in State's West Nile Virus Surveillance

The Department of Natural Resources and Environmental Control's Mosquito Control Section is again asking the public to help in the state's surveillance and monitoring efforts for West Nile virus by reporting sick or dead wild birds that may have been stricken or killed by West Nile virus – a mosquito-borne disease of considerable concern to human health and unvaccinated horses.

Beginning May 2, Mosquito Control requests that the public report only sick or dead crows, blue jays, hawks or owls, or localized clusters of five or more sick or dead wild birds of any species. For dead birds, specimens should appear to have been dead for less than 24 hours and not killed by other obvious causes.

Specimens collected by Mosquito Control will be submitted to the Delaware Public Health Laboratory for virus testing. [Mosquito Control will also operate from early June through mid-October its statewide network of about 20 "sentinel chicken" stations to monitor not only for West Nile virus, but also for eastern equine encephalitis, another mosquito-borne disease affecting humans and horses.]

continued on page 6

In 2003, there were 17 reported human cases of West Nile disease and 2 human fatalities in Delaware, along with 63 stricken horses. In 2004, there were no reports of West Nile virus in the state in humans or horses, with the drop-off possibly due to relatively cool summer temperatures in 2004 and other natural factors.

“It is difficult to predict what the summer and fall of 2005 hold in store,” said William Meredith, DNREC’s Mosquito Control Section administrator. According to Meredith, since West Nile virus has been in the state for about five years, populations of some bird species such as crows have probably been reduced. It is also likely, said Meredith, that surviving members of other bird species are now more resistant to the virus’ effects and won’t be sickened or die from new exposures. “Nonetheless, Mosquito Control still wants to monitor the targeted bird species for indications of virus,” said Meredith.

Mosquito Control will continue its past practice of documenting all phone reports for the species of interest, but again will not collect and analyze all reported birds because the screening criteria for collecting and testing specimens are often not met. As the season progresses, Mosquito Control will stop analyzing specimens for specific geographic areas once a certain amount of virus-positive birds are found within these specific areas, although the section will continue to solicit the public’s reporting virus-suspect birds for these areas.

“We are interested in when and where West Nile virus might first again appear in Delaware this year and in monitoring the timing and locations of its possible spread throughout Delaware,” said Meredith. “However, we don’t need to collect and analyze every specimen in order to accomplish this, even when the specimens appear very promising for testing. Our sampling strategy this year will be to wisely allocate the number of birds we collect and test between early May and late October, and to concentrate on good representation throughout Delaware to generate the most useful information.

Meredith noted that there is no cause for alarm or fear that uncollected specimens will transmit West Nile virus to humans or pets that might consume a sick bird or its carcass. Dead birds or carcasses can be left to decompose in place, or if aesthetic or other concerns require their removal, they can be disposed of in the garbage after being bagged, or buried. When handling any dead bird killed by any cause, direct human skin contact with the specimen should be avoided by using gloves or a shovel to dispose of the carcass.

Sick or dead birds for the species of interest can be reported to the Mosquito Control Section from Monday through Friday between 8 a.m. and 4 p.m. by calling:

New Castle County findings (Glasgow office): (302) 836-2555

Kent or Sussex County findings (Milford office): (302) 422-1512

Calls made after business hours or during weekends or holidays can be recorded on a taped message. Callers should give their name, phone number, address and brief message about the finding. However, the public should be aware that some calls left more than 24 hours before Mosquito Control can review them (usually between Friday evening and Sunday morning) unfortunately usually result in the bird conditions becoming too deteriorated for virus testing.

The Mosquito Control phone numbers above should also be used for citizens to report intolerable numbers of biting mosquitoes. The section uses this information about severe mosquito nuisance situations to help determine when and where to provide control services.

For more information, contact William Meredith, Division of Fish and Wildlife Mosquito Control Section, (302) 739-3493 or Melinda Carl, Public Affairs Office, (302) 739-4506.

continued on page 7

Sec. Hughes Earns Common Cause Good Government Award for Defending Coastal Zone Process

Common Cause of Delaware has honored Department of Natural Resources and Environmental Control Secretary John A. Hughes with the Robert F. Stewart Jr. Good Government of the Year 2005 Award.

Common Cause of Delaware established the annual award to honor a person who reflects the best about the political process and governmental activities in Delaware. Recently the group named the award in honor of Mr. Stewart, who passed away in the fall of 2004 and who served as Common Cause president in each decade since the 1970s.

Secretary Hughes was honored with the award for his efforts in championing the defense of Delaware's Coastal Zone Act against incursion by multi-national oil giant BP and its proposed Crown Landing project.

BP proposed to locate an unloading pier for liquefied natural gas in the Delaware River across from Claymont, Del. New Jersey elected officials have issued condemnations of Hughes' decision but the Department defended his actions before the Coastal Zone Industrial Control Board, which has upheld the Secretary's decision.

In 2002, Governor Minner named Secretary Hughes, 63, to head the Department, which includes responsibility for Air and Waste Management, Soil and Water Conservation, and Coastal Zone Management. Hughes has served for over 35 years in the Department. He also served three terms as mayor of Rehoboth Beach from 1981 to 1987 and served on the Rehoboth Beach Commission.

U.S. Representative Michael Castle, the 2004 award winner, was honored for his successful efforts to enact campaign finance reform.

For additional information, contact John Flaherty, (302) 521-0394.

\$49,899 in Grants Issued to Increase Recycling

The Department of Natural Resources and Environmental Control and the Governor's Recycling Public Advisory Council have awarded \$49,899 in Recycling Assistance Grants for Fiscal Year 2005. Six proposals were approved for funding.

The largest grant, \$13,588, was awarded to Peoples Settlement Association, a non-profit organization working to improve the quality of life for residents of Wilmington's east side. The money will be used to develop and implement an education and outreach program to promote recycling in the communities in this part of the city.

Other projects receiving grants are:

- The University of Delaware: \$12,612 to conduct composting education in schools and other group settings;
- The City of New Castle: \$10,000 to purchase equipment that will improve and enhance the city's yard waste composting program;
- Village of Ardentown: \$6,320 to develop a community leaf and wood chip composting site and to educate residents about backyard composting;
- Delaware Center for Horticulture: \$5,154 to develop a leaf recycling plan for the City of

continued on page 8

Wilmington; and

- Delaware City: \$2,225.24 to expand its subscription curbside recycling program.

The Recycling Assistance Grant Program is a matching grant program, in which grant recipients must provide at least 25 percent of the total project cost in either cash or in-kind contributions. Funding for the program is subject to annual authorization by the General Assembly. If funding is authorized for Fiscal Year 2006, the availability of grant money will be announced during the fall of 2005, with applications due to DNREC by Jan. 31, 2006.

For additional information on the grant program, contact Janet Manchester, DNREC Solid and Hazardous Waste Management Branch, (302) 739-3689.

Delaware National Estuarine Research Reserve To Host “Open House” Saturday, April 30

The Delaware National Estuarine Research Reserve is hosting an “Open House” for the local community and interested groups and individuals on Saturday, April 30 at 801 Blackbird Landing Road.

The community event will feature a discussion of future restoration and uses of newly acquired Reserve properties along Blackbird Creek in southern New Castle County, and the Reserve’s educational programs and research activities.

Educators, land managers, researchers and graduate students working for and with the Reserve will be available to answer questions and discuss future projects. Interactive exhibits will highlight the Reserve’s educational programs and activities as well as current research projects under way.

Visitors will also have an opportunity to take a guided tour of the property. The tour will include a discussion of restoration efforts and current and future public access issues and plans related to the site.

The agenda will include the following:

10 a.m. – 2 p.m.	Exhibit area open
Noon – 12:45 p.m.	Refreshments (while supplies last)
12:30 – 12:45 p.m.	Welcoming remarks
12:45 p.m.	Guided tour

The Reserve staff invites and encourages community neighbors and others to attend and participate in this special “open house.”

For additional information or directions please contact Mark Del Vecchio, (302) 739-3436 or mark.delvecchio@state.de.us.

State Parks to Begin Collecting Daily Entrance Fees May 1

The state Division of Parks and Recreation reminds visitors to Delaware’s state parks that daily entrance fees will be collected from May 1 until Oct. 31

“State parks are still the biggest recreation bargain in the state,” said Division Director Charles A. Salkin. “Where else can a carload of Delawareans enjoy a whole day of outdoor recreation at some of the most scenic spots in the state for only \$2.50?”

Better yet, said Salkin, why not purchase an annual pass and have a whole summer of fun at

continued on page 9

all 14 state parks, from Fenwick Island State Park, the farthest south, to White Clay Creek State Park, the farthest north, and points in between.

Senior citizens can get the best deal of all, according to Salkin. “We are pleased to be able to offer lifetime passes that can be purchased by Delaware residents 65 and over for only \$45.” Annual passes are \$20 for Delaware residents and \$40 for out-of-staters, half price for senior citizens (62 and over) and \$20 for military personnel on active duty.

The daily entrance fee is \$2.50 for Delaware registered vehicles and \$5 for out-of-state vehicles at most of the parks: Bellevue, Brandywine Creek, Fort DuPont, Lums Pond, Fox Point and White Clay Creek State Park and Preserve (including the Judge Morris area) in New Castle County; Killens Pond in Kent County; Cape Henlopen, Beach Plum Island Nature Preserve, Delaware Seashore, Holts Landing, Trap Pond, Trussum Pond Natural Area, Fenwick Island and Fenwick Island’s State Line Beach in Sussex County.

Fort Delaware State Park has no park entrance fee, but there is a charge for the ferry ride to Pea Patch Island. Brandywine Zoo in Wilmington, which has been part of the state park system since 1998, charges admission from March 14 through Oct. 31.

Fee collectors will be on duty most of the time, but in some instances – when it would be more cost effective, for example – a self-payment system may be used.

Delaware residents with a Golden Access Passport issued by the Department of the Interior to U.S. citizens who are permanently disabled are not charged entrance fees. In Delaware, Golden Access Passports can be obtained at Bellevue, Killens Pond and Cape Henlopen state parks, as well as at Bombay Hook and Prime Hook National Wildlife Refuges.

State park annual passes are available at park offices, at the central office at 89 Kings Highway, Dover, from license agents throughout the state or, this year for the first time, on-line by going to www.destateparks.com and clicking on Delaware@Your Service.

For more information, including a list of license agents, contact the Division of Parks and Recreation, (302) 739-4702, or visit on the Internet at www.destateparks.com.

Public Workshops Set for May 3, 4, and 5 on Regulation Concerning Control of Stationary Generator Emissions

The Department of Natural Resources and Environmental Control’s Division of Air and Waste Management will hold public workshops on Tuesday, May 3, Wednesday, May 4 and Thursday, May 5 on the planned adoption of a new regulation concerning the control of stationary generator emissions.

The May 3 workshop will be held from 6-9 p.m. at the Delaware Technical Community College Stanton Campus, Stanton. The May 4 workshop will be held from 6-9 p.m. at the Delaware Technical Community College Owens Campus, Georgetown. The May 5 workshop will be held from 6-9 p.m. at the Priscilla Building, 156 S. State St., Dover.

Delaware is not in compliance with federal standards for ground-level ozone and fine particulate matter. Among other things, the purpose of this regulation is to help ensure that the air emissions from new and existing stationary electric generating units do not cause or contribute to these existing air quality problems. The regulation is planned to establish emissions standards, operating requirements, fuel sulfur content limits, and recordkeeping requirements applicable to regulated generators.

continued on page 10

It may impact any owner or operator of a stationary generator, regardless of size, except the owner or operator of any: mobile generator; residential generator for emergency use only; or certain generators whose emissions are already well controlled.

The draft regulation is available online at http://www.dnrec.state.de.us/air/aqm_page/pro_regs.htm

Based on comments and suggestions received at these workshops, Air Quality Management may make revisions before formally proposing the rule for final adoption, which is currently planned for mid-year. Any person or organization that owns a stationary generator or that plans to install a stationary generator in the future, for emergency use or any other purpose, should consider attending one of the workshops to learn about the details of the requirements.

For additional information, please contact Mark A. Prettyman or Ron Amirikian, in Dover, (302) 739-4791.

Public Hearing Set for May 5 in Newark on Rohm and Haas Electronic Materials CMP Air Permit Applications

The Delaware Division of Air and Waste Management, Air Quality Management Section, will hold a public hearing at 6 p.m. Thursday, May 5 on three permit applications submitted by Rohm and Haas Electronic Materials, CMP Inc. The hearing will be held in Room 119 at the University of Delaware's Clayton Hall, Newark, Del.

The first permit application is a request to install a small scale coating line for product development and small scale production of semiconductor polishing pads as well as a polyvinyl chloride (PVC) powder loading system for an existing mix preparation area tank at their facility located at 451 Bellevue Road, Newark, Del.

The other two permit applications are requests to significantly modify Title V permit AQM-003/00033. The requested permit modifications are to incorporate improvements to the enclosures of two coating lines, upgrades to their common scrubber and control of emission points not previously controlled. Based on the applications, a draft significant permit modification has been prepared. The draft incorporates, and makes federally enforceable, new requirements associated with improved control of emissions from these coating lines and their associated polymer mix preparation area. It also reflects the removal of the RODO polymer assembly process.

The applications, draft construction permits and draft significant permit modification may be inspected at the offices of the Division of Air and Waste Management, 156 S. State St., Dover, Del. and 715 Grantham Lane, New Castle, Del.

Interested parties may submit comments in writing on the proposed regulation and/or statements and testimony may be presented either orally or in writing at the public hearing. Individuals interested in presenting statements at the public hearing are asked to register in advance by mail. Written statements and comments should be addressed to Stephen S. Ours, Air Quality Management Section, 156 S. State Street, Dover, DE, 19901.

For further information, contact Stephen S. Ours, Air Quality Management (302) 323-4542

or Jennifer Knotts, Public Affairs Office (302) 739-4506.

Camp Awareness Conservation Youth Camp Registration Open Camp open to 6th and 7th graders; Registration ends May 2

The Department of Natural Resources and Environmental Control's Division of Fish and Wildlife announces the opening of registration for the Division's Annual Youth Camp, Camp Awareness. Camp Awareness will be held May 14 and 15 at Camp Arrowhead, which is located on Rehoboth Bay off Route 279. This is an overnight camp and campers are expected to arrive between 7:30 and 8 a.m. on May 14.

The camp is available to all youth in the sixth and seventh grades. It is open to the first 100 children who register and the deadline for registration is Monday, May 2.

There is a \$25 (non-refundable) fee, which helps defray the cost of lodging, meals and supplies. Applications for the camp are available by calling Carol Weyant at (302) 739-3440 or online at www.dnrec.state.de.us/fw/campaware.htm

Camp Awareness is a conservation camp that seeks to expose children at an early age to the natural resources and outdoor activities the state has to offer. Some of the planned activities include target archery, air rifles and building a bird nesting box.

Natural resource education will involve boating safety, horseshoe crabs and wetlands, waterfowl, and wildlife habitat. Fishing and wildlife enforcement agents, naturalists, biologists, hunting and boating safety volunteers and other qualified individuals will present the activities.

For further information, contact Carol Weyant, Division of Fish and Wildlife (302) 739-3440 or Jennifer Knotts, Public Affairs Office (302) 739-4506.

Government and Industry Collaborate on Mercury Emissions Monitoring

The U.S. Environmental Protection Agency and the Delaware Department of Natural Resources and Environmental Control have signed an agreement with Occidental Chemical Corporation (OxyChem) in which the company will voluntarily measure and reduce fugitive mercury emissions at its Delaware City plant.

OxyChem Delaware is one of nine mercury cell chlor-alkali facilities in the country producing chlorine gas, which is used widely in products for homes, industry, and medicine. Facilities obtain permits for releasing a limited amount of emissions into the air, usually through stacks or vents. Fugitive emissions are those which escape from plant equipment rather than being emitted through stacks or vents.

OxyChem approached DNREC and EPA to discuss a new methodology it wants to undertake to appropriately measure and reduce fugitive emissions. The company has invested in a first-of-its-kind technology for mercury monitoring.

"By conducting comprehensive, real-time localized monitoring there will be more information about this important issue and a better understanding of how fugitive mercury emissions escape and ways to reduce them," said Donald S. Welsh, EPA mid-Atlantic regional administrator.

"We are committed to reducing mercury emissions in Delaware," said DNREC Secretary

continued on page 12

John A. Hughes. "Collecting this information will enable the plant to continue identifying ways to further reduce emissions and allow us to make more informed decisions on further controlling mercury in the future. We are encouraged by OxyChem's willingness to take these actions."

The mercury monitoring system OxyChem is using is supplied by Mercury Instruments, GmbH, Germany. An integral part of the year-long monitoring will be to continually evaluate opportunities for emissions reductions that can be implemented quickly. The recently installed monitoring system enables facility personnel to quickly identify, isolate and correct abnormal operating conditions in the facility's main process building.

As an example, the monitor has detected elevated emissions that were due to minor equipment problems with pumps and heat exchangers. Workers were able to quickly identify the minor source, then repair the emission source, eliminating the emissions. In another instance the monitoring equipment identified an emissions source at a heat exchanger where the plant was able to modify plant procedures eliminating the need to service equipment that might have been a source of emissions, thereby reducing the emissions potential from future events.

Fugitive emissions of mercury from the facility are currently estimated based on calculations and modeling and reported to EPA and DNREC as part of the annual Toxic Release Inventory. For 2003 (the most recent data reported) the facility estimated 747 pounds of fugitive mercury emissions. The facility reported 1046 pounds of fugitive emissions in 2002. The monitoring equipment will measure actual fugitive emissions on a continuous basis and provide a more reliable and accurate source of information.

Under the agreement, the company will share all data with EPA and DNREC and will not make any claims of business confidentiality with respect to the monitoring data. Nationally, EPA has planned two monitoring studies to better quantify fugitive emissions at two other chlor-alkali facilities. Although not part of the national study, the information gained from the voluntary industry project in Delaware will be of interest to the national study.

EPA's monitoring study is part of the agency's effort to quantify how much mercury might be emitted from chlor-alkali plants as fugitive emissions. These studies will help the agency address mercury used in these facilities that is neither accounted for by emissions from stacks nor through reclamation. The agency's best information to date indicates that a high level of fugitive emissions is unlikely, however, the monitoring studies will help EPA better understand this issue.

The OxyChem activities in the agreement announced April 12 are voluntary, and not currently required under federal or state regulations. The agreement does not give the company reduced inspection priority or any leniency in environmental compliance. Recently, OxyChem has been inspected by DNREC and found in compliance with environmental regulations. OxyChem is also successfully undertaking a cleanup of historic pollution at the facility under a Resource Conservation and Recovery Act corrective action which is described on EPA's website: <http://www.epa.gov/reg3wcmd/ca/de.htm>

The agreement is posted in the Hot Topics section of DNREC's home page www.dnrec.state.de.us. It can also be accessed directly at: <http://www.dnrec.state.de.us/DNREC2000/download/OxyVoluntaryAgreement4-1-2005.pdf>

For further information, contact Bonnie Smith, U.S. EPA Region III Communications Office

(215) 814-5543, or Maria Taylor, DNREC Public Affairs Office (302) 739-4506.

Environmental Appeals Board Cancels April 26 and May 10 Premcor Hearings

The Delaware Environmental Appeals Board cancelled the April 26 and May 10 hearings early this week on Premcor's appeal of the Phase I air permits for pollution control upgrades at its Delaware City Refinery.

The Department of Natural Resources and Environmental Control and Premcor asked the Environmental Appeals Board to cancel the hearings because they have negotiated a resolution of the issues in the litigation involving the pending fluid coker appeal.

DNREC will make the proposed permit that has been drafted to settle the litigation available for public comment. To allow time for the process, the parties plan to request that the EAB appeal of the coker permit, as well as the appeals for the remaining Pollution Control Upgrade Project Phase I permits, be stayed for a period of 90 days.

DNREC issued operating permits to Premcor for Phase I of its Pollution Control Upgrade Project on Nov. 30, 2004. These permits are for the installation and operation of the fluid coking unit and its wet gas scrubber and new boilers. The permits were appealed by Premcor on Dec. 22, 2004 and the Environmental Appeals Board scheduled three dates to hear Premcor's appeal of the fluid coker permit. The first hearing scheduled for April 12 also was cancelled because the parties were still negotiating.

For further information, contact the Environmental Appeals Board, (302) 739-6400, or Maria Taylor, Public Affairs Office, (302) 739-4506.

Division of Fish & Wildlife Has Free Native Hardwood Trees Seedlings

The Division of Fish and Wildlife's Landowner Incentive Program is offering native hardwood seedlings to private landowners interested in restoring habitat for species-at-risk. Species include a variety of oaks, tulip poplars and sycamores.

The seedlings are free, but the catch, according to private lands biologist Shelley Tovell, is that they must be planted almost immediately.

"Fifty thousand seedlings were left over from a forest restoration project and we are desperately looking for good homes before they die," she said.

To qualify, landowners must have at least a half-acre available for planting, preferably along streams, ditches and/or wetland habitats or as travel corridors connecting existing habitats. They should be interested in preserving habitat for species-at-risk.

Though the trees are free, the landowner must sign a contract with the Division agreeing to maintain them for 10 years.

Anyone who is interested can contact Tovell, (302) 653-2880.

Turtles Need Help When the Rubber Hits the Road in the Spring

Delaware's turtles are coming out of hibernation and will soon be crossing roads as they search for nesting sites and, in some cases, make the journey from wintering habitats to summer haunts.

continued on page 14

The species Delawareans are most likely to see on the road are box turtles, snapping turtles, spotted turtles and, in coastal areas, diamondback terrapins.

On a 6.3 mile stretch of road through Delaware Seashore State Park, as many as 100 turtles per year were being hit by vehicles until the Delaware Division of Parks and Recreation and volunteers began working to protect them by using fencing, signs and education. In other locations, turtles have not been so lucky.

Turtles need our help. Road mortality, habitat loss and alteration, collection for the pet trade, and diseases all threatened native turtle populations. Although some species can seem very common, their numbers are often slowly declining, leaving us with a false sense of security for their future.

For example, box turtles can live 60 or more years. Because of their impressive longevity, adults can be seen long after reproduction has stopped. Over time, the older turtles die and, with no young turtles to replace them, the population disappears altogether.

Here's what you can do to help.

1) ROAD MORTALITY:

- Drive with care. If you can safely do so, move turtles found on or near the road in the direction they're headed. Watch out for turtles soaking in potholes on back roads. Even if you find a turtle on a dangerous road, do not move it to a far away "safer" location. Many turtle species have homing abilities and may travel long distances to return to their familiar home ranges.
- Mow with care. When mowing your lawn, look out for turtles, especially at dawn or dusk. Walk the area to be mowed first to move turtles out of harm's way. Either mow often and keep your lawn short or set your mower blades at their highest setting. Better yet; plant native, non-grass plants and watch all the wildlife your yard will attract safely!
- Plant dense roadside buffers, such as evergreens or any thick native hedge, to help keep turtles from crossing a road.
- It is always best to leave turtles where you found them. Even sick or slightly injured box turtles should be left in the wild. Turtles are surprisingly resilient to damage and disease. If left alone, they might be able to heal themselves. However, if a turtle appears greatly injured, it can be given to a licensed rehabilitator or veterinarian. Note the precise location where the turtle was found (street address or landmarks). This will be important information when the turtle is released. Many turtles have a strong homing instinct and need to be released as close as possible to where they were found.

You can contact the following rehabilitators for help with injured turtles:

- Cathy Martin (Kent County, Smyrna area): 674-9131
 - Mick McLaughlin (Kent County, Dover area): 735-4675
 - Hilary Taylor (New Castle County, Bear area): 834-4604
 - Bonnie Kruch (New Castle County, Townsend area): 378-4761
- Wash your hands after handling turtles to guard against salmonella.

2) HABITAT LOSS AND ALTERATION:

- Support local conservation organizations that preserve and protect natural resources (see <http://www.eco-usa.net/orgs/de.shtml> for a list of organizations in Delaware) and be active in land use planning decisions in the area.
- Protect and promote turtle habitat on your own land. Minimize amount of your property that you convert to lawn or pavement.
- Provide shelter areas such as brush and leaf piles, but keep them away from roads.

- Leave leaf litter and fallen woody debris on the forest floor.
- Do not burn large areas or brush piles during peak activity times for turtles.
- Protect wet soils such as small wetlands and keep or provide sources of food such as wild blackberries, wild strawberries, and an assortment of insects and fungi.
- Don't allow dogs and cats to roam free in areas where turtles and their nests may be found.
- Eliminate or severely limit the use of pesticides and herbicides. These reduce the sources of food available to turtles.

3) COLLECTION FOR PETS:

- Leave turtles in their natural habitat. Enjoy seeing them in the wild and count it a privilege. Help ensure that future generations can see them in the wild. Don't move them to other areas.
- Taking turtles from the wild to be kept as pets is never a good idea. Delaware law prohibits collection of native wildlife (go to <http://www.state.de.us/research/AdminCode/title7/> and click Division of Fish and Wildlife for more information). Delawareans are permitted to have as pets one individual of what are considered common species.

However, caring for wildlife can be much more difficult than it seems. For example, box turtles generally use several acres as their "home range" in the wild; this is not easy for most home owners to provide.

In addition to needing large enclosures to mimic their natural habitat, turtles are susceptible to diseases that can be difficult for humans to treat.

Since they are so long-lived, keeping one as a pet is a long term commitment; 40 years or longer in the case of the box turtle.

Since turtles kept in captivity, especially when housed with other reptiles, can pick up diseases that could devastate wild populations, Delaware code prohibits release of animals kept in captivity longer than 30 days without a special permit.

So, even though it's lawful to have ONE box (or snapping, painted, red-belly musk or mud turtle), it is NOT recommended.

The spotted turtle and the federally threatened bog turtle are not common and cannot be kept without a permit.

If you know someone is illegally collecting, selling or possessing native wildlife, please call the Division of Fish and Wildlife's toll free Operation Game Theft hotline at 1-800-292-3030.

First State Heritage Park to Offer Exciting Events on Old Dover Days

From an exhibit of Stanley Steamer cars and the Pyrates Royale sea shanty singing troupe to a sand sculptor recreating the Old State House, the 72nd annual Old Dover Days will be enriched by new and exciting programs presented by The First State Heritage Park at Dover.

"Since Old Dover Days coincides with the Park's First Saturday in the First State programs, it was a natural collaboration for the Park to contribute new programs and activities to this annual and much-loved event," said project director Elaine Brenchley.

"The Park is bringing musical performances to the Friday evening Art Loop, exciting new activities to The Green on Saturday afternoon, and all Park sites are open during Saturday's event."

On Friday, May 6 from 4 to 8 p.m., many of the Park's partner sites will feature musical performances made possible in part by grants from the National Endowment for the Arts and the

continued on page 16

Delaware Division of the Arts, a state agency committed to promoting and supporting the arts in Delaware. From steel band music on The Green, to colonial dancers in the Old State House, to samba at the Delaware Public Archives, the performances will complement the visual arts being presented throughout town by the Old Dover Days Art Loop.

On Saturday, May 7, a number of new special events will enliven The Green – including the Stanley Steamers, the Pyrates Royale and the sand sculptor. In addition, all Park sites will offer tours, exhibits and special programs from 9 a.m. until 5 p.m. The sites linked by The First State Heritage Park at Dover include Legislative Hall, Delaware Public Archives, the Old State House Museum and other Delaware State Museums sites, and the Biggs Museum of American Art Admission is free.

The First State Heritage Park at Dover is an interagency partnership between the Delaware Department of State, the Delaware Department of Natural Resources and Environmental Control, and the Delaware Economic Development Office. Governor Ruth Ann Minner created the First State Heritage Park Task Force by executive order in April 2004.

For more information about May's First Saturday programs, the public may call (302) 739-1173.

DNREC Reminds Boaters: Be Aware of “Naval Vessel Protection Zone”

Violations punishable by 6 years in prison and/or \$250,000 fine

The Department of Natural Resources and Environmental Control and the U. S. Coast Guard reminds boaters about the existence of “Naval Vessel Protection Zones,” established by the Coast Guard as a Homeland Security measure. This regulation, which establishes a protective zone within 500 yards of any naval vessel, has been established for the safety and security of U.S. naval vessels in U.S. navigable waters.

All vessels are required to operate at minimum speed necessary to maintain course and they should only proceed as directed by the official patrol accompanying the vessel when within 500 yards of any naval vessel. No vessel is permitted within 100 yards of any naval vessel and should only approach within 100 yards with specific approval from the official patrol or commander of the naval vessel.

Official patrols and Naval Vessels will be monitoring and can be contacted on VHF-FM channel 16. Violations of the Naval Vessel Protection Zone are a felony offense, punishable by up to six years in prison and/or a fine up to \$250,000.

Other past routine actions which could be viewed as suspicious or threatening are: approaching close to cruise line ships or commercial shipping vessels such as oil tankers, and hovering near petroleum facilities, power stations or major bridges. Boaters should give commercial shipping a wide berth and refrain from getting too close to commercial marine facilities and petroleum pipelines.

DNREC and the U.S. Coast Guard would also like to remind boaters to be sure their vessel is safe before going out on the water. A free vessel safety check from the Coast Guard Auxiliary will ensure their vessel is properly equipped and they should see that their vessel is in good mechanical condition. The search and rescue case they prevent will reduce demands on the limited resources of the Coast Guard and local law enforcement and rescue authorities.

For further information, contact Major Bayard Holleger, Division of Fish and Wildlife (302) 739-3440 or Jennifer Knotts, Public Affairs Office (302) 739-4506.

Regulatory Update

Recently Adopted Regulations and Regulations Under Appeal

2003-17: Amendments to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems. This action updates the regulations to include statutory changes that authorize DNREC to establish an inspector license category with inspection protocol for inspecting all septic systems in Delaware, and modifies requirements for the use of a community-sized on-site wastewater system. Contact Jack Hayes, 739-4761. **Effective date – April 11, 2005**

April 21, 2005 – Appeal filed by The Home Builders Association of Delaware with the Environmental Appeals Board.

2003-18: New “Regulation, 45, Anti-Idling Regulation” of the state’s Regulations Governing the Control of Air Pollution. This action regulates the idling time for operation of heavy-duty vehicles in Delaware having a gross vehicle weight rating of over 8,500 pounds. The regulation will continue state efforts to reduce emissions of NOx (nitrogen oxides), particulates and other tailpipe pollutants from vehicles operating in the state. Contact Philip Wheeler, 739-4791. **Effective date – April 11, 2005**

2005-01: Amendments to Tidal Finfish Regulations affecting the 2005 recreational summer flounder fishery and recreational black sea bass fishery. Delaware can maintain the same management measures used in 2004 for the 2005 recreational summer flounder fishery since the harvest cap was not exceeded in 2004. Another amendment to the tidal finfish regulations eliminates any reference to a closed season for recreational black sea bass anglers in 2005, because the coast wide requirements for recreational black sea bass fishermen in 2005 are a 12-inch minimum size length with a 25-fish creel limit and no closed season. Contact Richard Cole, 739-4782. **Effective date – April 11, 2005**

2004-11: Amendment to Regulations Governing Tidal Finfish No. 3553: River Herring Creel Limit. This action establishes a possession limit for river herring at 25 per day unless the possessor has a valid commercial fishing license or a receipt from a commercial fisherman for the river herring. The possession limit was proposed to prevent establishment of a bait fishery for river herring in tidal tributaries. This regulation does not affect normal commercial fishing operations but will impact recreational fishermen who take live river herring as bait for sale. Contact Roy Miller, 739-3441. **Effective date – March 11, 2005**

2004-08: Amendments to Non-tidal Fishing Regulations. This action makes it unlawful for anyone to transport, purchase, possess, stock into public or private waters of the state or sell live northern snakehead fishes without the written permission of the Director of the Division of Fish and Wildlife. Contact Roy Miller, 739-3441. **Effective date – March 11, 2005**

2004-13: Amendment to Tidal Finfish Regulation No. 3505. Striped Bass Commercial Fishing Season; Quotas; Tagging and Reporting Requirements. This action increases commercial gill net season for striped bass to extend from Feb. 15 through May 31 instead of the present March 1-April 30 open season and requires the use of drift nets for any gill nets having a mesh size of 4 inches or greater that are used to take striped bass during the February striped bass season extension. This action also increases the duration of the commercial hook and line fishing season for striped bass from April 1 through and including Dec. 31 instead of Sept. 1 through Dec. 31; and requires the use of non-offset “circle hooks” when fishing with natural bait in the designated striped bass spawning areas during the April 1-May 31 spawning season to reduce mortality rates from catch and release recreational fishing. Required use of circle hooks only applies to hooks having a gap greater than 3/8 inches as measured from the hook point to the shank. Contact Roy Miller, 739-3441

Effective date – Feb. 10, 2005

2004-12: Addition to Regulation No. 43 – Not To Exceed Heavy Duty California Engine Standards. This action adopts the Heavy Duty Diesel portion of the federal rule on 2007 and later heavy duty engines in order to preserve the emission reduction benefits of that rule should EPA delay, diminish or even delete its adopted rule. This action is a “backstop” action that would only become necessary and in effect on 2007 and later model year heavy duty diesels if EPA takes any of the three options. Contact Philip Wheeler, 323-4542

Effective date – Feb. 10, 2005

2004-06: Amendments to Delaware Regulations Governing Aboveground Storage Tanks. This action addresses the signage requirements passed in Senate Substitute 1 for Senate Bill 344 and provides clarification to portions of the regulations. The regulations impact all owners of hazardous substance aboveground storage tanks greater than 250 gallons, owners of petroleum aboveground storage tanks other than heating fuel, diesel and kerosene greater than 250 gallons, unless otherwise exempt, and owners of heating fuel, diesel and kerosene aboveground storage tanks greater than 19,999 gallons. This includes both large and small businesses, some agricultural companies and farms. Contact Alex Rittberg, 395-2522

2001-21: Amendments to Sediment and Stormwater Regulations. This action allows a greater degree of flexibility for types of practices that could be considered for approval and would result in more low-impact stormwater practices such as bio-retention, bio-swales and buffers being used to meet water quality requirements. Contact Frank Piorko – 739-6724

Effective date – Feb. 11, 2005

97-11: Implementation of September 27, 1994 MOU among Ozone Transport Commission states on development of a regional strategy for control of stationary source Nitrogen Oxide (NOx) emissions. This regulation reduces NOx emissions from fossil fuel fired boilers or indirect heat exchangers with a maximum rated heat input capacity of 250 MMBTU/hr, or more; and all electric generating facilities with a rated output of 15 MW, or more. Contact: Ron Amirikan – 323-4552. **Effective date - April 1, 1999.**

April 16, 1999 - Appealed to Environmental Appeals Board by Motiva Enterprises and Delmarva Power and Light Company; **April 20, 1999 -** Motiva and Delmarva Power filed a civil

action for a review of the Order in Superior Court for New Castle County.

Regulatory Actions Underway:

2005-08: Amendments to the Accidental Release Prevention Regulation. This amendment would reflect amendments to the delegated federal rule 40 CFR Part 68 made by the EPA in January 1999, March 2000 and April 2004. This action is to prevent accidental releases and mitigate consequences of such releases by focusing on prevention measures for extremely hazardous substances as listed. Contact Jay Brabson, 323-4542

2005-05: Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for Marshyhope Creek, Choptank River, Chester River, and the Pocomoke River, Delaware. This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials, and bacteria that can enter the waters of the Marshyhope Creek, Choptank River, Chester River and Pocomoke River. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2005-04: Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for the St. Jones River, Delaware. This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials, and bacteria that can enter the waters of the St. Jones River from point and nonpoint sources. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2005-03: Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for the Broadkill River, Delaware. This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials and bacteria that can enter the waters of the Broadkill River from point and nonpoint sources. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2004-17: Amendment to Regulation 25 "Requirements for Preconstruction Review" of Delaware Regulations Governing the Control of Air Pollution. This action will address the EPA new source review reforms. The Department will evaluate the revised federal requirements; either incorporate, incorporate with changes or not incorporate the new requirements into Regulation 25; and (as required) will ensure that Regulation 25 is overall, at least as stringent as the federal requirements. Contact Gene Pettingill, 323-4542

2004-16: Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for Shellpot and Naamans Creek in Delaware. This regulation will establish a cap for the amount of nutrients, oxygen demanding materials and bacteria that can enter the waters of Shellpot Creek and Naamans Creek. This action is necessary to improve water quality and help maintain fishable and swimmable waterways for citizens of the state. Contact John Schneider, 739-4590

2004-16: **Amendment to Regulation 25, “Requirements for Preconstruction Review” of the state’s Regulations Governing the Control of Air Pollution.** Under this action, the Department will evaluate the revised federal requirements for the state’s new source review program; either incorporate, incorporate with changes or not incorporate the new requirements/concepts into Regulation 25; and ensure that Regulation 25 is at least as stringent as the federal requirements, as required. Contact Gene Pettingill, 323-4542

2004-15: **Amendment to Regulations Governing the Control of Water Pollution.** This action would establish a general permit program for Confined Animal Feeding Operations (CAFOs). DNREC developed the proposed regulations cooperatively with the Department of Agriculture, Delaware Nutrient Management Commission, Natural Resources Conservation Service and the University of Delaware. Contact Peder Hansen, 739-5731

Public hearing held Jan. 25, 2005

2004-14: **Amendment to Surface Water Quality Standards.** This action will clarify the way in which fecal enterococci determined to be of wildlife origin are considered when implementing water quality standards. Typographical errors in the existing regulation will also be corrected. Contact John Schneider, 739-4590

2004-10: **Amendment to Delaware’s Phase II Attainment Demonstration State Implementation Plan by completing the mid-course review requirement.** Delaware is required to submit to EPA a plan revision to demonstrate its capability of attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005. The mid-course review will analyze Delaware’s ambient air quality and emission data to demonstrate (1) adequate progress in emission control has been made under the 1-hour ozone standard that will be revoked in 2005, and (2) such progress is consistent with attaining the new 8-hour ozone standard in 2010. Contact Frank Gao, 323-4542

2004-09: **Delaware’s proposed 2002 Milestone Compliance Demonstration.** This is a required step to attain the 1-hour National Air Quality Standard for ground-level ozone in Kent and New Castle counties. Delaware is required to submit a plan revision for each milestone year (1996, 1999, 2002 and 2005) to demonstrate that the actual emissions of volatile organic compounds and/or oxides of nitrogen in Kent and New Castle counties to not exceed the required emission targets specified in Delaware’s Rate-of-Progress Plans. This action is to conduct a compliance analysis for the milestone year of 2002. Contact Frank Gao, 323-4542

2004-07: **Revisions to Regulations Governing Hazardous Substance Cleanup.** This action will establish procedures for implementing the Brownfields Development Program, including participation in the new program, presumptive project and investigation procedures and work plans, public notice requirements and risk sharing agreements. Contact James Poling, 395-2636, Paul Will, 3952626 or Alex Rittberg, 395-2642.

2004-05: **Amendments to Delaware Regulations Governing Solid Waste.** This action would update and enhance various sections of the regulations and help improve understanding and imple-

mentation of the solid waste requirements. Contact Karen J'Anthony, 739-3689

2003-24: Development of a new regulation to be added to the Regulations Governing Solid Waste. This action would institute a ban on the disposal of yard waste in Delaware landfills, and is a critical part of a larger waste management strategy directed toward environmentally and economically efficient waste management. The waste ban is designed to: conserve capacity at existing landfills; minimize the need to construct new or expand existing landfills; signal the composting and mulching industry that these materials are available for processing and marketing; return this valuable material to the market place as opposed to landfilling it; and reduce the emission of greenhouse gases. Contact James Short, 739-3689

2003-21: Amendment to the Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for the Murderkill River Watershed. This action would revise the cap and is necessary in light of recently collected data. It would amend the original regulation adopted in December 2001 and would apply to the entire watershed including Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. Contact John Schneider, 739-4590

2003-19: Delaware Coastal Management Program Comprehensive Update and Routine Program Implementation. This action would update all coastal management program policies to incorporate changes in state statutes, department regulations and executive orders since the last program's September 1998 update. Contact Sarah Cooksey or Bonnie Willis, 739-3451

2003-16: Development of a State Implementation Plan (SIP) revision to include a case-by-case alternate volatile organic compound reasonably available control technology determination. This action would address the FP International, Newark, Del. facility's expandable polystyrene packing material manufacturing process. Contact Frank Gao, 323-4542

2003-10: Development of a new Distributed Generation Regulation covering on-site electric generators of small to medium capacity. In general, emissions from small and medium size on-site electric generators are currently uncontrolled in Delaware. Most of these units run on fossil fuels such as diesel and contribute to the secondary formation of ground-level ozone and fine particulate matter. Some are used to help utilities meet peak demand periods that frequently correspond with summer ozone action health alert days. This means that emissions from these units are frequently at their highest when the health threat from ozone is at its worst. Use of these units is growing and the Department is initiating this action to specifically control this category of emitters. Contact Al Deramo, 739-4791

2003-09: Amendment to Regulations Governing the Control of Air Pollution: new section – Requirements for Minor Source Pre-Construction Review (Minor NSR). This action would ensure that best available emission controls are installed at the time that smaller, but very significant, sources are constructed and modified to help manage Delaware's air resources. Contact Gene Pettingill, 323-4542

2003-07: Amendments to the Regulations Governing Beach Protection and the Use of Beaches adopted in 1983. This action would increase the effectiveness of the Coastal Construction Program and improve its protection of the beach and dune system. The amendments would reduce ambiguity, close possible loopholes and limit the amount and type of construction permitted seaward of the Building Line. Redrawing the building Line, incorporating changes to the Beach Preservation Act and adding new construction standards for waterfront buildings will result in less damage to structures and improvements to the natural dune and beach resource. Contact Maria Sadler, 739-4111

2003-03: Re-issuance of the Regulations Governing Storm Water Discharges Associated with Industrial Activities. The reissued regulations will expand the existing regulations to include additional requirements for discharges of storm water associated with industrial activities. Contact Amber Moore, 739-5731

2003-02: Amendment to Subpart A, Regulation 38, Emission Standards for Hazardous Air Pollutants for Source Categories. These general provisions establish applicability, definitions, compliance, notification, performance testing, monitoring, record keeping and reporting requirements common to the emission standards for hazardous air pollutants promulgated under Regulation 38. This action affects any owner or operator of a stationary source that is or will be subject to any standard, limitation or prohibition established by Regulation 38 and ensures consistency of Subpart A with federal changes expected in April 2003. Contact James Snead, 323-4542

2002-08: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Murderkill River and its tributaries. The PCS will cover activities in the entire watershed, including land areas draining into Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

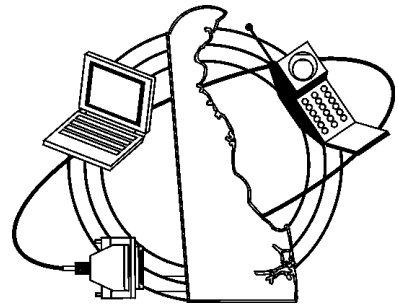
2002-07: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Nanticoke River, Broad Creek and their tributaries. The PCS will cover activities in the entire watershed. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2002-06: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for Indian River, Indian River Bay, Rehoboth Bay and their tributaries. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2000-23: Amendments to Regulation 24, Control of Volatile Organic Compound (VOCs) Emissions. This action would add a new section to the air pollution control regulations in order to control VOC emissions from lightering operations. Lightering is the transfer of cargo (usually crude oil) from ocean going vessels to service barges to allow the vessels to proceed upriver. During the cargo transfer, uncontrolled VOCs are emitted. This action is being developed to obtain additional VOC emission reductions for meeting Delaware's 1-hour ozone attainment. Contact James Snead – 323-4542

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